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**FACSIMILE TRANSMITTAL SHEET**

Deliver to: Office of Initial Patent Examination  
Firm Name: U.S. Patent & Trademark Office  
Fax Number: 703-746-4060  
From: Chul-klu Teresa Wong Operator: Anne Collette  
Date: August 23, 2004  
App. No.: 10/821,037  
No. of pages: 9 (including cover sheet)

Client/Matter: 42P19143 Docket Date: 8/21/2004 Atty: JDS

Please find the following documents attached:

- 1) Fee Transmittal (1 page)
- 2) Response to Notice to File Missing Parts (1 page)
- 3) Declaration/Power of Attorney for Patent Application (4 pages)
- 4) Copy of Notice to File Missing Parts (2 pages)

Thank you.

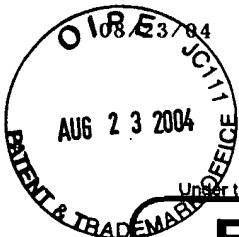
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| CERTIFICATE OF TRANSMISSION   |                              |
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| By: <u>Anne Collette</u><br>Anne Collette   | Date: <u>August 23, 2004</u> |

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BST&amp;Z

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 130.00)

**Complete if Known**

Application Number 10/821,037

Filing Date April 7, 2004

First Named Inventor James T. Mihm

Examiner Name \*\*\*

Art Unit 2185

Attorney Docket No. 42P19143

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

02-2666

Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee (\$) | Fee Description        | Fee Paid |
|---------------|----------|---------------|----------|------------------------|----------|
| 1001          | 770      | 2001          | 385      | Utility filing fee     |          |
| 1002          | 340      | 2002          | 170      | Design filing fee      |          |
| 1003          | 530      | 2003          | 265      | Plant filing fee       |          |
| 1004          | 770      | 2004          | 385      | Reissue filing fee     |          |
| 1005          | 160      | 2005          | 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims       | -20** =      | X              |          |
| Independent Claims | -3** =       | X              |          |
| Multiple Dependent |              |                |          |

Large Entity Small Entity

| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee (\$) | Fee Description  |
|---------------|----------|---------------|----------|--|
| 1202          | 18       | 2202          | 9        | Claims in excess of 20                                     |
| 1201          | 86       | 2201          | 43       | Independent claims in excess of 3                          |
| 1203          | 290      | 2203          | 145      | Multiple dependent claim, if not paid                      |
| 1204          | 88       | 2204          | 43       | ** Reissue independent claims over original patent         |
| 1205          | 18       | 2205          | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee (\$) | Fee Description  | Fee Paid |
|---------------|----------|---------------|----------|--|----------|
| 1051          | 130      | 2051          | 65       | Surcharge - late filing fee or oath  | 130.00   |
| 1052          | 50       | 2052          | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053          | 130      | 1053          | 130      | Non-English specification  |          |
| 1812          | 2,520    | 1812          | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804          | 920*     | 1804          | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805          | 1,840*   | 1805          | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251          | 110      | 2251          | 55       | Extension for reply within first month                                     |          |
| 1252          | 420      | 2252          | 210      | Extension for reply within second month                                    |          |
| 1253          | 950      | 2253          | 475      | Extension for reply within third month                                     |          |
| 1254          | 1,480    | 2254          | 740      | Extension for reply within fourth month                                    |          |
| 1255          | 2,010    | 2255          | 1,005    | Extension for reply within fifth month                                     |          |
| 1401          | 330      | 2401          | 165      | Notice of Appeal   |          |
| 1402          | 330      | 2402          | 165      | Filing a brief in support of an appeal                                     |          |
| 1403          | 290      | 2403          | 145      | Request for oral hearing   |          |
| 1451          | 1,510    | 1451          | 1,510    | Petition to Institute a public use proceeding                              |          |
| 1452          | 110      | 2452          | 55       | Petition to revive - unavoidable   |          |
| 1453          | 1,330    | 2453          | 665      | Petition to revive - unintentional   |          |
| 1501          | 1,330    | 2501          | 665      | Utility issue fee (or reissue)   |          |
| 1502          | 480      | 2502          | 240      | Design issue fee   |          |
| 1503          | 640      | 2503          | 320      | Plant issue fee  |          |
| 1460          | 130      | 1460          | 130      | Petitions to the Commissioner  |          |
| 1807          | 50       | 1807          | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1808          | 180      | 1808          | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021          | 40       | 8021          | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809          | 770      | 2809          | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810          | 770      | 2810          | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801          | 770      | 2801          | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802          | 900      | 1802          | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type) Chui-kiu Teresa Wong

Registration No. 48,042  
(Attorney/Agent)

Telephone 408-720-8300

Signature

Date August 23, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket No.: 42P19143

Patent**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:

James T. Mihm et al.

Application No.: 10/821,037

Filed: April 7, 2004

For: **AUTOMATIC FIRMWARE  
UPDATE PROXY**

Examiner: \*\*\*

Art Unit: 2185

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**


In response to the Notice to File Missing Parts of Application mailed on June 21, 2004, please find attached:

- (1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application; and
- (2) a copy of the Notice to File Missing Parts of Application.

If any additional fees are required, please charge them to Deposit Account No. 02-2666.

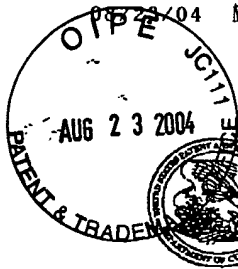
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP

Dated: August 23, 2004  
Chui-kiu Teresa Wong  
Reg. No. 48,04212400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1030  
(408) 720-8300**CERTIFICATE OF TRANSMISSION**

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By: Anne Collette  
Anne ColletteDate: August 23, 2004

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/821,037         | 04/07/2004             | James T. Mihm         | 42P19143               |

08791  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

CONFIRMATION NO. 9251

## FORMALITIES LETTER



\*OC000000013005521\*

Date Mailed: 06/21/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

08/24/2004 SSESHE1 00000144 022666 10821037

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*F. L. L. L. L.*

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